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ABSTRACT

The purpose of this publication is to inform the literacy field of the effect that recent political changes in the U.S. Congress could have on the literacy and adult basic education (ABE) fields, how the various legislative processes work, and how individuals in the literacy field can participate in the legislative process. The various steps in the traditional legislative reauthorization process are outlined along with the roles played by federal agency staff and Congressional staff at each step of the reauthorization process. Steps that adult literacy and ABE practitioners can take to become involved in the reauthorization process are also listed. A timeline of key dates in the history of the Adult Education Act (AEA) is presented along with an annotated bibliography of three resources for literacy policy. The outlook on public policy affecting adult education and adult literacy programs in the 104th Congress, President Clinton's "Middle Class Bill of Rights," and House and Senate Republican proposals regarding education and training are discussed. The text of Title III of the AEA is appended. (MN)

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ED 380 661

NATIONAL INSTITUTE FOR LITERACY

Literacy and Adult Education in the 104th Congress:

A Legislative Guide

U.S. DEPARTMENT OF EDUCATION
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Contains:
- Description of legislative process
- Summary of Clinton Proposal
- History of the AEA
- The complete AEA

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TABLE OF CONTENTS

	Page
PURPOSE	1
INTRODUCTION	2
THE TRADITIONAL REAUTHORIZATION PROCESS	4
BEGINNNG THE REAUTHORIZATION PROCESS	6
THE BILL IS DRAFTED	7
THE PROPOSAL GOES TO CONGRESS	9
CONGRESS ACTS	9
THE BILL GOES TO THE FLOOR	11
THE VOTE, THE CONFERENCE, AND THE SIGNING	12
EXCEPTIONS TO THE RULE OF TRADITIONAL REAUTHORIZATION	12
CONCLUSION	15
HISTORY OF THE ADULT EDUCATION ACT	17
RESOURCES FOR LITERACY POLICY	18
LEGISLATIVE OUTLOOK FOR THE 104TH CONGRESS	19
APPENDIX	
THE COMPLETE ADULT EDUCATION ACT	

Literacy and Adult Education In the 104th Congress:

A Legislative guide

The purpose of this special NIFL publication is to let the literacy field know what effect the recent political changes in the U.S. Congress could have on the literacy and adult basic education fields, how the various legislative processes work, and how you can be a participant in these processes.

INTRODUCTION

Where We are Now

1995 and 1996 promise to be tremendously important to the literacy field in the United States. Change is inevitable, especially given the new Republican control of the House and Senate. The Adult Education Act (AEA) is up for reauthorization in this Congress, and the President and Congress will once again attempt to reform the welfare system. A variety of proposals to redesign federally-supported job training and retraining programs will also be considered. And there will almost certainly be efforts to "streamline government" by modifying and eliminating federal programs and making significant cuts in federal spending on domestic social programs.

All these initiatives will affect the programs that receive the bulk of federal funding for "second chance" services for adults, including literacy and adult basic education. If the initiatives are approached boldly, as promised by both the Clinton Administration and the new leaders of the House and Senate, the cumulative result could be a dramatic change in the structure, purposes, and outcomes of these programs.

The AEA is crucial because it provides the only federal dollars targeted exclusively for educational services for adults who lack basic skills. In many cases, the AEA provides support not only for stand-alone programs but also for services to clients of other major federal programs, such as Job Opportunities and Basic Skills (JOBS) and the Job Training Partnership Act (JTPA). The AEA was last amended by the National Literacy Act of 1991. During 1995, Congress will decide whether to continue the authorization for the AEA, and, if so, what form it should take.

What Is Likely To Happen Next

As of the November 8 elections, the political and policy direction of the federal government changed dramatically. Both the House of Representatives and the U.S. Senate now have Republican majorities. This means that the legislative process in both bodies is now controlled by the Republican party. The committees with jurisdiction over education and training in both the House and Senate are now chaired by Republicans, both committees have a majority of Republican members, and many Democrat staff members have been replaced by Republican staff members.

What does this mean for the literacy field? First of all, the Republican majority believes that the federal government is too big and overly controlling of state and local matters. These beliefs are often translated as "too expensive" and "too prescriptive." So two likely effects of the election are a reduction in spending on education, including adult education, and a transfer of power to the states and localities. It is possible that, in the move to pay for tax cuts and to balance the budget, the Congress could make large spending cuts. In fact, the elimination of whole agencies and programs is being seriously considered.

Another consequence of the change in Congressional control is that the two new chairs of the education committees in the House and Senate both introduced legislation in the last Congress that would create a new federal job training system. In both instances, the Adult Education Act was included in the new system. For example, in Congressman Goodling's CAREERS bill, a literacy block grant combined several of the adult education set-asides and smaller programs into a single state grant.

As you can see, with regard to the reauthorization of the AEA, the question is no longer what changes will be made to the current Act, but whether the federal adult education program will be continued in its current form. It is critical for the literacy field to get

involved in this legislative process, as well as in activities concerning legislation to reform the welfare and job training systems. And to be involved effectively, you must understand the process, have access to essential information (such as the current AEA), and then take action.

What this Guide Offers

The purpose of this special publication is to provide you with the materials and knowledge necessary to be educated consumers of the various proposals and to make your opinions heard. Things are already moving forward, but it's not too late to join the conversation.

This publication contains:

- a history of the AEA
- a description of the reauthorization process
- an outline of the key themes emerging from the Administration, Congress, and the literacy field
- a complete version of the AEA.

THE TRADITIONAL REAUTHORIZATION PROCESS

The legislative reauthorization process is not set in stone. While there are certain steps in the process that are likely to occur, no two reauthorizations are quite the same. This section is intended to familiarize you with the typical process of reauthorization of a federal program. While the AEA reauthorization may not follow this script exactly, you need to know about the standard process, since almost any Congressional action will be a variation on this theme.

First of all, you may be wondering, "what is a 'reauthorization,' anyway?" There are two basic kinds of programs created by Congress: discretionary programs and entitlements. Entitlements, such as Social Security, are programs where the federal treasury must

provide funds to anyone who meets the requirements of the law. Congress does not decide each year how much to spend on these programs; the funding depends on the number of people who meet the legal requirements.

As the name implies, discretionary programs are funded at the discretion of Congress and typically take two separate actions to be implemented. First they must be authorized. This means Congress has to say it is all right to spend a specific amount of money for such-and-such a purpose for a specific number of years. In both the House and the Senate there are authorizing committees responsible for education legislation. Authorizing committees both create new programs and reauthorize existing programs for longer periods of time. Of course, they can also eliminate programs by either repealing the law or allowing the authorization to lapse without renewal or reauthorization.

The second part of the discretionary program picture is the appropriations process. Authorization merely allows the programs to be funded up to a specific level; it does not guarantee that any federal money will be spent on the program. The appropriations committees in the House and Senate actually divide up the federal funds among programs and decide how much money each will get. We can think about it in this way: the authorizing committees open accounts (by creating authorized programs), and the appropriations committees put money into the accounts, to be drawn down on for the purposes described in the authorizing legislation. Many authorized programs receive no appropriations (funding), but virtually all funded programs are authorized.

In the area of educational policy and legislation, programs have traditionally been authorized for five year periods. The major categories of legislation are on staggered five-year cycles, so that Congress generally focuses on one part of the educational system during each two year period. In this past Congress, the 103rd, the elementary and

secondary education bill was reauthorized for five more years. In 1995, the 104th Congress will look at the Vocational and Adult Education Acts. Of course, new legislation can be raised at any time, just as the Goals 2000 school reform bill was initiated in the 103rd Congress.

Why does Congress only extend the life of these programs in five year increments? Why not extend them for longer periods, or permanently? The primary reason is that Congress has the responsibility for conducting regular reviews of programs -- evaluating their effectiveness and the level of need, taking into account new developments in the field, and establishing new priorities. While there is always the danger of doing this too frequently, like pulling up a carrot to check its growth, five years has been considered a reasonable point in time to revisit, fine-tune, and possibly extend programs. But the five year cycle is a matter of tradition, not law or rule.

BEGINNING THE REAUTHORIZATION PROCESS

Who starts the ball rolling? There is no one way reauthorizations take place, but the action generally begins in the executive branch. Federal agencies usually take seriously their Constitutional role of proposing to Congress how they would like to see a program structured. In order to lead the way in influencing the future course of legislation, an agency may start working on a proposal in the year before Congress takes up the reauthorization.

What the Agency Does

In the case of the AEA, the Department of Education (ED) has created a reauthorization working group of staff from across the agency and from the Departments of Labor (DOL) and Health and Human Services (HHS). The group has prepared background papers on key topics, held consultations with members of

the literacy community, and developed options for improving the AEA. These activities began last year and will continue throughout 1995. A Federal Register announcement about reauthorization was part of ED's outreach, as were the hearings held around the country to collect more input from the field.

What You Can Do

This is the perfect time for the literacy field to be gearing up, just as ED is. It is much easier to influence decisions early in the process. Responding to the notice and attending the ED hearings are important activities but not enough. Groups and organizations should arrive at a consensus for change, develop a clear, collective message, and identify ways to deliver the message at key points throughout the reauthorization process.

THE BILL IS DRAFTED

After developing options and implementing outreach efforts, ED staff will need to sit down and write a reauthorization bill. This phase will probably occur early in 1995. If the groundwork has been laid and there is consensus in the agency about the direction to take, the drafting of legislation is relatively straightforward. The resulting proposal would generally be transmitted to Congress for consideration as part of the President's overall budget proposal for fiscal year 1996.

What Congressional Staff Does

During the 103rd Congress (1993-1994), the time and attention of Congressional members and staff were consumed with rewriting and reauthorization of the nation's elementary and secondary education laws, on top of prior work on school reform and other related legislative matters. Now the authorizing committees are

turning their attention to this year's work -- notably reauthorization of the Vocational and Adult Education Acts.

Congressional staff have just recently begun their own process of studying the state of the literacy field, the effectiveness of current programs and their connection to other federal interests such as job training and welfare reform, and the ideas put forward by the field and the Administration. For example, there is a great deal of talk about the role of technology in adult education. Congress will want to know more about the current status of use, model programs that demonstrate future potential, and how federal funds can leverage improved applications of technology in the adult education context. As part of this study process, staff will review projects and studies, make field visits to state and local program sites, and hold discussions with educators, researchers, and federal agency staff.

What You Can Do

This is a critical period for the field. Just as the ED process allows opportunities to have an early impact on the structure of the reauthorization proposal, the Congress is also most open to new ideas at this early point in the process. This is an excellent time to have members of Congress and staff visit local programs, to share thoughts and proposals (as individuals and organizations) with members and staff, and to otherwise get involved in the process of reshaping the Act -- and the field.

THE PROPOSAL GOES TO CONGRESS

When the President transmits the ED proposal for reauthorization of the AEA to Congress, probably in April or May, the official action shifts to the Congress. This is not to say that the Administration does not continue to advocate for its proposal, but the Congress now has the Constitutional authority to write the law that will eventually return to the President for signature or veto. In the wake of the November elections, we can expect that the Congress will consult with the Administration about its bill but proceed to write their own proposal as well. Often the Secretary of Education is invited to hearings before House and Senate authorizing committees to explain the Department's legislation.

What You Can Do

This can be a time of intense weighing in on the part of practitioners, lobbyists, and other advocates for various positions. Ideas have been written down on paper, lines are drawn in the sand, and the debate gets moving. At this point, authorizing committees may hold a series of hearings on the reauthorization, allowing a variety of views to be voiced directly to the members. It is important to remember that, at this point, the broad outlines and issues have usually begun to fall into place. If advocates for particular positions are to be effective, they must have clear, concrete ideas for the Act, understand the points of leverage in the process, and be consistent and tireless in championing their views.

CONGRESS ACTS

By tradition, the House Economic and Educational Opportunities Committee moves on its legislation before the Senate begins deliberation. The House committee is likely to hold its hearings in the spring of 1995. Hearings are typically held at the subcommittee level. Currently, Congressman Duke Cunningham (R-CA) is the Chairman of the subcommittee with jurisdiction over adult education and literacy issues, and Dale Kildee (D-MI) is the

ranking minority member. Bill Goodling (R-PA) is the Chairman of the Full Committee and Congressman Bill Clay (D-MO) is the ranking minority member. In the Senate, the education subcommittee is chaired by Senator James Jeffords (R-VT) and the ranking minority member is Senator Pell (D-RI). Senator Nancy Kassebaum (R-KS) is the Chair of the Full committee, and Senator Ted Kennedy (D-MA) is the ranking minority member. The staff of these members will organize the hearings, invite witnesses, and pick themes for the presentations.

Unless a legislative proposal affecting literacy moves earlier through some other mechanism (see next section), the House staff will begin to write their own version of the AEA reauthorization, or some related legislation, after the hearings are complete. While the Republican members may use portions of the Administration's bill, they are likely to fashion their own bill that could be quite different in many respects. Sometimes this step of drafting legislation is a bipartisan effort and other times each party prepares its own bill. It is difficult to say at this point which approach the current Congress will take. In either case, the Chair (first of the subcommittee and then of the full committee) has the responsibility to blend all the different and sometimes competing proposals into a legislative package that not only has the political support to move through the committee but also makes sense in terms of policy and practice.

When the subcommittee and committee are ready to proceed with consideration of the legislation, a "mark-up" is scheduled. A mark-up is a formal meeting of the committee to consider a piece of legislation for passage on to the next step in the process. This is the point in the process when members of the committee can begin offering amendments to the bill. It is often a time of discussion, debate, and change. After all amendments have been considered, a majority of Committee members must vote in favor of the bill to "report it out."

What You Can Do

When a bill is being marked up by subcommittee and full committee, it is a time when individuals and organizations can try to have desired changes made. You need to know the contents of the bill being considered (information that NIFL will try to provide), have a clear idea about what you want changed in the bill language and how you want it changed (preferably with new language prepared), identify a committee member willing to offer your change, or "amendment," and try to help that member line up other support on the committee. Timing is critical; you are likely to be working with Congressional staff, and your chances for success will be better if you allow enough time for them to understand your proposal and work it through the approval process.

THE BILL GOES TO THE FLOOR

Once a bill is reported out of committee, it is cleared to be brought up on the floor of the House or Senate for consideration. Strictly speaking, the opportunities for changing the bill expand at this point, because any of the 100 Senators or 435 members of the House can potentially offer amendments. In reality, the majority of work on most legislation occurs in the committee. With few exceptions, most floor amendments do not change the basic structure of the committee-reported bill.

So, while the floor of either the House or the Senate is another opportunity for individuals or groups to make desired changes in the AEA, amending the bill is much more difficult at this stage of the process. Members have accepted the overall structure of the bill and take ownership of its provisions. Changes at this point are often seen as threats to the integrity of the legislation. Also, members not on the committee tend to assume that committee members are the most knowledgeable in the area and are hesitant to question the product.

It takes a great deal of time and work for a staff person not on the committee to learn about the issue, bring the member up to speed, and then do the groundwork necessary to build support for an amendment.

What You Can Do

To have a chance for success at this stage, you need to approach a Member who cares a great deal about the issue or with whom you have some connection, such as your own member of Congress. Again timing is everything. To get an amendment ready for the floor, it must be drafted in legislative language, shared with committee staff, sold to the other members, and then offered on the floor.

THE VOTE, THE CONFERENCE, AND THE SIGNING

After all amendments have been considered on the floor of the House or Senate, the bill is voted on. When the House and Senate have each approved their own versions of the AEA reauthorization bill, they will meet with each other in conference to work out any differences. Any provisions that are in both bills are automatically accepted in the final consensus bill, so it is advantageous to have an amendment offered and accepted in both the House and Senate. What goes on in a conference is a lot of negotiating, rewriting, and compromise. Once all points of difference are agreed upon by a majority of conference members, the final bill language is prepared and the legislation is then sent to the President. The President either signs the bill into law or vetoes it.

EXCEPTIONS TO THE RULE OF TRADITIONAL REAUTHORIZATION

While the process just described is the way most legislation becomes law, there are many alternative routes to the same end. The election in November has increased the probability that the AEA will not be reauthorized as it has been in the past--both in terms of the process and its content. There are two reasons for this: one has to do with the federal

budget and efforts to cut spending, and the other with proposed changes in the structure of federal job training programs that could incorporate the AEA.

1. The Process May Be Driven by the Budget

In 1981, President Reagan sought to cut federal spending and to reduce the number of federal programs, including education programs. The mechanism used was a single, omnibus piece of legislation that cut spending and consolidated or eliminated programs. This large bill contained so many provisions that it was difficult to single out specific issues, and legislators had only one opportunity for an up or a down vote on the whole package. Obviously, a mechanism like this increases the chances of enacting the legislation as is, which favors those who support it and makes it very difficult for those who disagree to argue the merits of individual programs.

The scenario in 1995 is reminiscent of 1981. Given the same goals of reduced spending and simplified federal structure, chances are good that a similar omnibus approach could be taken, and proposals for changes affecting everything from highways to welfare to education could be bundled up into one bill that would provide legislators with only a single opportunity to be for or against "change."

If the current Congress takes this approach, then it there would probably not be a reauthorization of the AEA as a stand-alone bill. Instead, it would likely be wrapped up into this large, budget-driven bill. There would still be mark-ups and floor action, but many of the other activities, including hearings and briefings, might be dropped from the process. Also, the timetable of action might be moved up, with both the House and Senate acting on the bill early this year.

As this goes to press, no public announcement has been made as to whether the Congress will take the omnibus approach, but many people in and out of the Congress feel it is a definite possibility.

2. The AEA May Not Be Reauthorized In Its Current Form

At a press conference announcing his ascent to the Chairmanship of the House Committee on Economic and Educational Opportunity, Congressman Bill Goodling stated that, in the future, no program would be reauthorized as a matter of course. In the case of the AEA, Mr. Goodling introduced a bill in the last Congress which would have integrated the AEA as a section of a comprehensive, new job training bill, CAREERS. Clearly, there is no certainty that the AEA, or any other federal education program for that matter, will continue in its current form.

One likely direction for change is for the adult education program to be more closely integrated into the federal job training system. Last year, the General Accounting Office (GAO) issued a report stating that there were over 100 federal job training programs, including the AEA and Even Start. This has given way to several legislative proposals, by Democrats and Republicans, to reform this "system." In several of last year's proposals, including the Goodling and Kassebaum bills, the AEA would be incorporated into the new federal job training systems.

None of the bills introduced last year are likely to be reintroduced this year. Both the change in the political landscape and the passage of time have moved the discussion further along. There will probably be several new proposals in the House and the Senate that reflect the interest in streamlining by consolidation and

giving more control back to the states. The administration has also gotten involved. President Clinton, in his December address to the nation, announced a "middle class bill of rights," which included his version of a reconfigured job training system (see section on new proposals).

One of the outcomes of these efforts to review and revise the federal training efforts could be to take the AEA, and its funding, and include it as part of a job training package. Under this scenario, there would not be a separate reauthorization of the AEA. Rather, the process of writing, marking up, and enacting this new legislation would lead to the continuation of federal support for literacy and basic skills training in a very new form.

Just to confuse things slightly more, such a new job training bill could be enacted into law either on its own or through an omnibus budget bill as described above.

CONCLUSION

As you can see, to say that the situation with regard to reauthorization of the AEA is "dynamic" is an understatement--and the AEA is not alone in this uncertainty. Much of what is printed here could be obsolete within days. However, legislation always has to go through certain steps, and it is important for you to understand those if you are going to have an impact on the process. Also, the recent past may very well influence the course of events. For example, the focus on job training is likely to continue in some fashion and to affect federal support for adult education.

All of us interested in the field of literacy and adult basic education must pay close attention to events as they unfold. As individuals and groups, we must articulate what we

believe is best for the adults and families we serve and then share these views as effectively as possible with decision-makers in the Administration and Congress.

HISTORY OF THE ADULT EDUCATION ACT AND OTHER KEY FEDERAL LITERACY INITIATIVES

1964 The first federal program for adult education and literacy was created as part of President Lyndon Johnson's "War On Poverty." The Adult Basic Education Program was established in title II-B of the Economic Opportunity Act.

1966 Congress enacted the Adult Education Act (P.L.89-750), which created a free-standing program built on the 1964 statute. Program purposes were broadened to include adult basic education, ESL, and citizenship education.

1972 The Adult Education Act (AEA) was amended by P.L.92-318 to authorize grants to support planning and pilot and demonstration projects and to expand programs for Native Americans.

1974 The AEA was amended to require that state adult education plans include special assistance for persons of limited English-speaking proficiency, limit the share for adult secondary programs, and require cooperation with other programs.

1978 Public Law 95-561 amended the AEA to require that 10% of state grants be used for demonstration and teacher training (the beginning of the current section 353) and gave special attention to adult immigrants.

1981 The first discretionary program to support ESL was initiated in these amendments to the AEA.

1988 As part of the reauthorization of the Elementary and Secondary Education Act (ESEA), the AEA was amended by creating the workforce literacy grants and the English literacy grants programs, increasing the number of programs evaluated annually by the state, and strengthening the evaluation requirements. In addition, the Even Start Act was created as part of the ESEA.

1991 The Congress passed, and the President signed into law, the National Literacy Act. This legislation created several new authorities and amended the existing AEA. The National Literacy Act authorized the National Institute for Literacy (NIFL) and the State Literacy Resource Centers (SLRCs). In addition, it amended the AEA by: requiring the "direct and equitable" disbursement of funds within a state, directing each state to create "indicators of program quality", and increasing the section 353 demonstration and training funds to 15% of the state's total allocation.

RESOURCES FOR LITERACY POLICY

1. Adult Literacy in America: A first look at the Results of the National Adult Literacy Survey. This 1993 report of the NALS was published by the National Center for Education Statistics of the U.S. Department of Education. It is a good source of information on the state of literacy in the United States and helps make the case for the importance of adult education and literacy programs.

2. National Evaluation of Adult Education Programs. The U.S. Department of Education, Office of Policy and Planning, conducted a multi-year evaluation of

programs supported by the AEA. There have been three separate reports published to date, with a final summary report due soon. This is the most complete evaluation ever done of the AEA program and describes who provides the services, who participates in the programs, and with what results.

3. Adult Education Reauthorization: Background. A paper prepared by Mathematica Policy Research, Inc. for the U.S. Department of Education. This is an excellent overview of the several issues that will be important throughout the legislative process, including: descriptive information about the AEA, information about program effectiveness, and an overview of federally funded adult education programs across several federal agencies.

OUTLOOK ON PUBLIC POLICY AFFECTING ADULT EDUCATION AND LITERACY PROGRAMS IN THE 104TH CONGRESS

With the changes in the political alignment that occurred on November 8, it is very likely that the next two years will bring dramatic change to the federal role in several areas of domestic policy, including education. The following related ideas and trends are driving the debate in Washington (much as they are in the states) and will likely have a significant impact on the shape of policy in the 104th Congress.

1. ***CONSOLIDATION/STREAMLINING***. There is a general perception that there are too many individual federal programs with similar purposes. This perception is the source of proposals to combine programs into single "block grants." This would allow for a smaller federal bureaucracy to manage the

programs, better coordination of services at the state and local level, and less paper work when it comes to applying for and reporting on federal funds.

2. ***TURNING DECISION MAKING OVER TO THE STATES/DEVOLUTION***. This trend has been supported for many years by the mayors and governors. It would lead to programs that are less prescriptive at the federal level, allowing states to make decisions about who to serve, how and under what conditions. The federal government would care less about process and more about outcomes, leaving it to states to figure out how to get the job done.

3. ***BUDGET CUTTING/BALANCING THE BUDGET***. There is a strong movement to cut the level of federal spending, especially in the area of domestic social programs. The argument is that unless there is a clear federal interest in an area, it should be left to the state and local level to decide whether to raise funds to carry out activities. Balancing the budget will entail very large cuts in spending over the next seven years. With many of the largest federal entitlement programs currently considered "off the table," the bulk of budget cutting will have to occur in domestic discretionary programs such as adult education and training.

WHAT DOES THIS ALL MEAN TO THE FIELD OF ADULT EDUCATION AND LITERACY?

Education will not be immune from the above trends in policy-making at the federal level. In fact, many in the new majority in the House and Senate believe that education should be primarily a state and local responsibility and that it is a good place to start in applying all three principles.

Following are the outlines of several proposals that could have an impact on the adult education and literacy field.

PRESIDENT CLINTON'S "MIDDLE CLASS BILL OF RIGHTS"

There is a little noticed portion of President Clinton's proposal for a middle class bill of rights that would have a major impact on the adult education and literacy field. A title of that legislation would create an adult and family literacy block grant that would become the sole source of federal funding for these services.

The Clinton proposal would "streamline" fourteen separate programs funded by the Department of Education by combining them into a single program which would support a set of grants to states and a national programs section. For example, the Adult Education Act (state grants), Even Start, the State Literacy Resource Centers, Workplace Literacy Partnerships, Adult Education for the Homeless, Library Literacy, and literacy programs for the incarcerated would all be combined into a single State grant program. States would have the flexibility to use these funds for a variety of literacy services, including

ESL, workplace, and family. Block grant funds could also be used to support training and technical assistance. In addition, reporting requirements would be simplified and requirements that limit spending on areas such as adult secondary education would be eliminated.

Adults could enter the delivery system either through a new system of One-Stop Career Centers or by making arrangements directly with a service provider. The national program funds would support the National Institute for Literacy as well as other evaluation and technical assistance activities of the Department of Education.

The results of the President's proposal would be: a single adult and family education/literacy program, greater state discretion in setting spending priorities within the program, and enhanced accountability related to the effectiveness of services supported by the Act. Many of the details of the new proposal are still to be developed by the Department of Education.

HOUSE REPUBLICANS' PROPOSAL

Last year, Congressman Bill Goodling (R-PA) introduced the CAREERS Act which would have created an adult education block grant as part of a larger training and employment bill. Mr. Goodling is now the Chair of the committee that has jurisdiction over adult education and literacy.

Mr. Goodling's staff is currently working on a new version of an employment and training bill that will likely have elements of all three trends: streamlined programs, greater state and local discretion, improved accountability, and possibly less money overall. At this time, it looks as if there will be a separate adult and family literacy block grant as part of his larger employment and training proposal. Staff are still working on the specifics of both the overall bill and the literacy block grant.

There will likely be hearings on his bill before the Economic and Education Opportunities Committee this spring and further action on the legislation later in the year.

SENATE REPUBLICANS' PROPOSAL

In the Senate, Senator Nancy Kassebaum (R-KS), the Chair of the Labor and Human Resources Committee, is developing an employment and training consolidation bill that will likely contain most of the federal programs that support adult education and literacy. Last year, her proposal (S.1943) would have directed the majority of adult education funds into the service of employment and training goals. Her staff is currently rethinking and rewriting last year's bill.

In January, Senator Kassebaum introduced a bill (S.143) that would replace current federal employment training programs (including portions of the National Literacy Act, Adult Education Act, and the School-to-Work Opportunities Act) with block grants to the states. Each state, in turn, would be allowed to use the funding to develop a

comprehensive state-wide employment training system. This system would be permitted--but not required--to include literacy among the services funded by the block grant.

Her staff is currently looking at making further changes in this legislation, including whether literacy should be a part of a single employment and training block grant. There will likely be hearings in the Senate as well this spring and further action later in the year.

As you can see, all the major players in this legislative process are proposing major changes in the structure and, in some cases, the purposes of the federal role in adult education and literacy. It is still too early to tell what exactly is going to come out of the whole process, but it is likely to be quite different from current law. Funding for any resultant program will be acted on separately through the appropriations process, and it is quite likely that there will be significant cuts in many areas. Again, no specific decisions have been made on funding levels for specific programs.

APPENDIX

Adult Education Act

TITLE III—ADULT EDUCATION PROGRAMS 1A\1\

SEC. 301. SHORT TITLE.

This title may be cited as the "Adult Education Act".

\1\ 1A The Adult Education Act was enacted as Title III of the Elementary and Secondary Education Amendments of 1966. The following title was added by P.L. 100 09297, title II pt. B, sec. 2102, 102 Stat. 302, the old title was deleted.

Sec. 301

(20 U.S.C. 1201 note) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302.

PART A—BASIC PROGRAM PROVISIONS

SEC. 311. STATEMENT OF PURPOSE.

It is the purpose of this title to assist the States to improve educational opportunities for adults who lack the level of literacy skills requisite to effective citizenship and productive employment, to expand and improve the current system for delivering adult education services including delivery of such services to educationally disadvantaged adults, and to encourage the establishment of adult education programs that will—

Sec. 311

(1) enable these adults to acquire the basic educational skills necessary for literate functioning;

(2) provide these adults with sufficient basic education to enable them to benefit from job training and retraining programs and obtain and retain productive employment so that they might more fully enjoy the benefits and responsibilities of citizenship; and

(3) enable adults who so desire to continue their education to at least the level of completion of secondary school.

(20 U.S.C. 1201) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302.

SEC. 312. DEFINITIONS.

As used in this title—

(1) The term "adult" means an individual who has attained 16 years of age or who is beyond the age of compulsory school attendance under State law, except that for the purpose of section 313(b), the term "adult" means an individual 16 years of age or older.

(2) The term "adult education" means services or instruction below the college level for adults—

(A) who are not enrolled in secondary school;

(B) who lack sufficient mastery of basic educational skills to enable them to function effectively in society or who do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education;

(C) who are not currently required to be enrolled in school; and

(D) whose lack of mastery of basic skills results in an inability to speak, read, or write the English language which constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, and thus are in need of programs to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others.

(3) The term "educationally disadvantaged adult" means an adult who—

(A) demonstrates basic skills equivalent to or below that of students at the fifth grade level; or

(B) has been placed in the lowest or beginning level of an adult education program when that program does not use grade level equivalencies as a measure of students' basic skills.

(4) The term "community school program" is a program in which a public building, including but not limited to a public elementary or secondary school or a community or junior college, is used as a community center operated in conjunction with other groups in the community, community organizations, and local governmental agencies, to provide educational, recreational, cultural, and other related community services for the community which the center serves in accordance with the needs, interest, and concerns of that community.

(5) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

(6) The term "Secretary" means the Secretary of Education.

(7) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99 09658), the Northern Mariana Islands, and the Virgin Islands.

(8) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools, then such agency or officer may be designated for the purpose of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.

(9) The term "academic education" means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

(10) The term "institution of higher education" means any such institution as defined by section 481 of the Higher Education Act of 1965.

(11) 1A\1\ The term "individual of limited English proficiency" means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

\1\ 1A So in law. Margin is incorrect.

(A) 1A\1\ whose native language is a language other than English; or

(B) 1A\1\ who lives in a family or community environment where a language other than English is the dominant language.

(12) 1A\1\ The term "out-of-school youth" means an individual who is under 16 years of age and beyond the age of compulsory school attendance under State law who has not completed high school or the equivalent.

(13) 1A\1\ The term "English literacy program" means a program of instruction designed to help limited English proficient adults, out-of-school youths, or both, achieve full competence in the English language.

(14) 1A\1\ The term "community-based organization" means a private nonprofit organization which is representative of a community or significant segments of a community and which provides education, vocational education or rehabilitation, job training, or internship services and programs and includes neighborhood groups and organizations, community action agencies, community development corporations, union-related organizations, employer-related organizations, tribal governments, and organizations serving Native Alaskans and Indians.

(15) 1A\1\ The term "private industry council" means the private industry council established under section 102 of the Job Training Partnership Act. 1A\2\

\2\ 1A So in law. See P.L. 100 09297, sec. 2102, 102 Stat. 302.

(20 U.S.C. 1201a) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302; amended May 11, 1989, P.L. 101 0926, sec. 3, 103 Stat. 55; amended Nov. 16, 1990, P.L. 101 09589, sec. 723, 104 Stat. 2913; amended July 25, 1991, P.L. 102 0973, sec. 802(b)(1), 105 Stat. 361.

Sec. 313

SEC. 313. AUTHORIZATION OF APPROPRIATIONS; ALLOTMENTS.

(a) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for the fiscal year 1991, $260,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995 to carry out the provisions of this title (other than sections 371 and 372).

(b) Allotment.—From the sums available for the purposes of section 311 for any fiscal year, the Secretary shall allot (1) $100,000 each to Guam, American Samoa, the Northern Mariana Islands, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau, and (2) $250,000 to each of the other States. From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the number of adults who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools of such State bears to the number of such adults in all States.

(c) Reallotment.—The portion of any State's allotment under subsection (b) for a fiscal year which the Secretary determines will not be required for the period such allotment is available for carrying out the State plan approved under this title shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other States in proportion to the original allotments to such States under subsection (b) for such year, but with such proportionate amount for any of such other State being reduced to the extent it exceeds the sum which the Secretary estimates such State needs and will be able to use for such period for carrying out its State plan approved under this title, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount allotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for such year.

(d) Reservation of Funds for National Programs.—For any fiscal year, if the amount appropriated to carry out the purposes of this title exceeds $108,000,000, not more than $3,000,000 of such amount shall be reserved to carry out the programs described in part D, relating to national programs.

(20 U.S.C. 1201b) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302; amended July 25, 1991, P.L. 102 0973, secs. 301(a) and 802(b)(2), 105 Stat. 345 and 361.

PART B—STATE PROGRAMS

Subpart 1—Basic State Grants

SEC. 321. BASIC GRANTS.

From the sums allotted to States for this subpart pursuant to section 313, the Secretary is authorized to make grants to States to assist them in funding adult education programs, services, and activities carried out by eligible recipients to achieve the purposes of this title.

Sec. 321

(20 U.S.C. 1203) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat 302.

Sec. 322

SEC. 322. USE OF FUNDS; LOCAL APPLICATIONS.

(a) Use of Funds.—

(1) Grants to States under this subpart shall be used in accordance with State plans (and amendments thereto) approved under sections 341 and 351, to pay the Federal share of the cost of the establishment or expansion of adult education programs to be carried out by local educational agencies, correctional education agencies, community-based organizations, public or private nonprofit agencies, postsecondary educational institutions, and other institutions that have the ability to provide literacy services to adults and families. Each State educational agency receiving financial assistance under this subpart shall provide assurance that local educational agencies, public or private nonprofit agencies, com-

munity-based organizations, correctional education agencies, postsecondary educational institutions, and institutions which serve educationally disadvantaged adults will be provided direct and equitable access to all Federal funds provided under this subpart. Failure to provide the assurance required by the preceding sentence shall disqualify a State from receiving its allotment under this title. In determining which programs shall receive assistance under this paragraph, the State shall consider—

(A) the past effectiveness of applicants in providing services (especially with respect to recruitment and retention of educationally disadvantaged adults and the learning gains demonstrated by such adults);

(B) the degree to which the applicant will coordinate and utilize other literacy and social services available in the community; and

(C) the commitment of the applicant to serve individuals in the community that are most in need of literacy services.

(2) Grants to States provided under this section may also be used to carry out programs by a consortium which includes a for-profit agency, organization, or institution if such agency, organization, or institution can make a significant contribution to attaining the objectives of this Act. Whenever the establishment or expansion of programs includes a for-profit agency, organization, or institution, as part of a consortium, a contract with such agency, organization, or institution, for the establishment or expansion of such programs shall be entered into by the public or private nonprofit agency, institution, or organization.

(3)(A) Grants to States provided under this section shall also be used for competitive 2-year grants to public housing authorities for literacy programs and related activities. Any public housing authority that receives a grant under this subparagraph shall consult with local adult education providers in conducting programs and activities with assistance provided under the grant. Any grant provided under this subparagraph shall be referred to as a "Gateway Grant".

(B) The Secretary shall, not less often than every 2 years, evaluate any grants made under this paragraph and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(4) Such application shall contain such information as the State educational agency considers necessary, including a description of current programs, activities, and services receiving assistance from Federal, State, and local sources; the projected goals of the applicant with respect to participant recruitment, retention, and educational achievement and how the applicant will measure and report progress in meeting its goals; cooperative arrangements (including arrangements with business, industry, and volunteer literacy organizations as appropriate) that have been made to deliver services to adults as well as assurances that adult educational programs, services, or activities provided under this title are coordinated with and not duplicative of services, programs, or activities made available to adults under other Federal, State, and local programs, including the Job Training Partnership Act, the Carl D. Perkins Vocational and Applied Technology Education Act, the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, the Indian Education Act, the Higher Education Act of 1965, and the Domestic Volunteer Service Act.

(5) The State educational agency shall give preference to those applicants who have demonstrated or can demonstrate a capability to recruit and serve educationally disadvantaged adults, particularly in areas with a high proportion of adults who do not have a certificate of graduation from a school providing secondary education or its equivalent.

(b) Limitations on Use of Funds.—

(1) Not less than 10 percent of the funds paid to a State under subsection (a) shall be used for corrections education and education for other institutionalized individuals in accordance with subpart 2.

(2) Not more than 20 percent of a State's allotment shall be used for programs of equivalency for a certificate of graduation from a secondary school.

(20 U.S.C. 1203a) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302; amended July 25, 1991, P.L. 102 0973, sec. 301(b), 105 Stat. 345.

SEC. 323. LOCAL ADMINISTRATIVE COST LIMITS.

(a) Of the funds provided by the State agency to eligible recipients, at least 95 percent must be

expended for provision of adult education instructional activities. The remainder shall be used for planning, administration, personnel development, and interagency coordination.

(b) In cases where the administrative cost limits under subsection (a) would be insufficient for adequate planning, administration, evaluation, and coordination of programs supported under this Act, the State agency shall negotiate with the local grant recipient in order to determine an adequate level of funds to be used for noninstructional purposes.

(20 U.S.C. 1203b) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat 302.

Subpart 2—Programs for Corrections Education and Education for Other Institutionalized Individuals

SEC. 326. PROGRAM AUTHORIZED.

1A\1\Funds set aside under section 322(b)(1) by a State shall be used for the cost of educational programs for criminal offenders in corrections institutions and for other institutionalized individuals, including—

\1\ 1A So in original. Probably should be preceded by subsection designation (a).

Sec. 326

(1) academic programs for—

(A) basic education with special emphasis on reading, writing, vocabulary, and arithmetic;

(B) special education programs as defined by State law;

(C) bilingual or English as a second language programs; and

(D) secondary school credit programs;

(2) vocational training programs;

(3) library development and library service programs;

(4) corrections education programs, training for teacher personnel specializing in corrections education, particularly courses in social education, basic skills instruction, and abnormal psychology;

(5) guidance and counseling programs;

(6) supportive services for criminal offenders, with special emphasis on the coordination of educational services with agencies furnishing services to criminal offenders after their release; and

(7) cooperative programs with educational institutions, community-based organizations of demonstrated effectiveness, and the private sector, designed to provide education and training.

(b) As used in this section, the term—

(1) "criminal offender" means any individual who is charged with or convicted of any criminal offense; and

(2) "correctional institution" means any—

(A) prison,

(B) jail,

(C) reformatory,

(D) work farm,

(E) detention center, or

(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

(20 U.S.C. 1204) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302.

Subpart 3—State Administrative Responsibilities

SEC. 331. STATE ADMINISTRATION.

(a) State Agency Responsibilities.—Any State desiring to participate in the programs authorized by this title shall designate the State educational agency to be the sole State agency responsible for the administration and supervision of such programs. The responsibilities of the State agency shall include—

Sec. 331

(1) the development, submission, and implementation of the State application and plan and any amendments thereto (pursuant to sections 342 and 351), and the State evaluation (pursuant to section 352);

(2) within 2 years of the enactment of the National Literacy Act of 1991, the development and implementation, in consultation with a widely representative group of appropriate experts, educators, and administrators, of indicators of program quality to be used to evaluate programs assisted under this title, as required by section 352, to determine whether such programs are effective, including whether such programs are successfully recruiting, retaining, and improving the literacy skills of the individuals served in such programs;

(3) consultation with the State advisory council established pursuant to section 332, and other appropriate agencies, groups, and individuals involved in the planning, administration, evaluation, and coordination of programs funded under this title; and

(4) the assignment of such personnel as may be necessary for State administration of programs under this title.

(b) State Imposed Requirements.—Whenever any State imposes any rule or policy relating to the administration and operation of programs funded by this title (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline) the rule or policy shall be identified as a State imposed requirement.

(c) Limitation on State Administrative Costs.—Effective for fiscal years beginning after September 30, 1990, a State educational agency may use no more than 5 percent of the State's grant or $50,000, whichever is greater, to pay the cost of its administration of the State's program.

(20 U.S.C. 1205) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302; amended July 25, 1991, P.L. 102 0973, sec. 301(c), 105 Stat. 346.

Sec. 332

SEC. 332. STATE ADVISORY COUNCIL ON ADULT EDUCATION AND LITERACY. 1A\1\

(a) Requirement.—(1) Any State may designate a body, or establish a new body if there is no suitable existing body, to act as a State advisory council on adult education and literacy, appointed by, and responsible to, the Governor. The membership of the State advisory council shall be broadly representative of citizens and groups within the State having an interest in adult education and literacy, and shall consist of—\1\ 1A Effective July 1, 1993, section 601(b)(2) of P.L. 102 09367 added a new subsection (g) to this section as follows:

(2) Adult education act amendment.—Section 332(d) of the Adult Education Act (20 U.S.C. 1205a(d)) is amended by adding at the end the following new subsection:

"(g) Designation of State Human Resource Investment Council under the Job Training Partnership Act.—(1) The requirements in this section shall be satisfied if a State designates the State human resource investment council established under title VII of the Job Training Partnership Act (in this subsection referred to as the `State Council') to carry out the duties described in subsection (f).

"(2) Funds under this part may be allotted to the State Council to carry out such duties and the other duties of the State Council if the Governor and the head of the State agency responsible for carrying out programs under this Act agree to such an allotment.".

(i) representatives of public education;

(ii) representatives of public and private sector employment;

(iii) representatives of recognized State labor organizations;

(iv) representatives of private literacy organizations, voluntary literacy organizations, and community-based literacy organizations;

(v) the chief administrative officer of a State, or the designee of such officer;

(vi) representatives of—

(I) the State educational agency;

(II) the State job training agency;

(III) the State human services agency;

(IV) the State public assistance agency;

(V) the State library program; and

(VI) the State economic development agency;

(vii) officers of the State government whose agencies provide funding for literacy services or who may be designated by the Governor or the Chairperson of the council to serve whenever matters within the jurisdiction of the agency headed by such an officer are to be considered by the council; and

(viii) classroom teachers who have demonstrated outstanding results in teaching children or adults to read.

(2) A State which elects to designate or establish a State advisory council available for this subsection may use funds under this subpart for the purposes of this subsection.

(b) Representation on Council.—The State shall ensure that there is appropriate representation on the State advisory council of urban as well as rural areas, of women, persons with handicaps, and racial and ethnic minorities.

(c) Certification.—The State shall certify the establishment and membership of the State advisory council to the Secretary prior to the beginning of any fiscal year in which the State desires to receive a grant under this title.

(d) Procedures.—(1) Subject to paragraphs (2) and (3), the State advisory council shall determine its own procedures, staffing needs (subject to funding levels authorized by the chief executive officer of the State), and the number, time, place, and conduct of meetings.

(2) The State advisory council shall meet at least 4 times each year. At least 1 such meeting shall provide an opportunity for the general public to express views concerning adult education in the State.

(3) One member more than one-half of the members on the council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the chief executive officer of the State, but a lesser number of members may constitute a quorum for other purposes.

(e) Terms.—Members shall be appointed for fixed and staggered terms and may serve until their successors are appointed. Any vacancy in the membership of the council shall be filled in the same manner as the original appointment. Any member of the council may be removed for cause in accordance with procedures established by the council.

(f) Duties.—Each State advisory council shall—

(1) meet with the State agencies responsible for literacy training during the planning year to advise on the development of a State plan for literacy and for adult education that fulfills the literacy and adult education needs of the State, especially with respect to the needs of the labor market, economic development goals, and the needs of the individuals in the State;

(2) advise the Governor, the State educational agency, and other State agencies concerning—

(A) the development and implementation of measurable State literacy and adult education goals consistent with section 342(c)(2), especially with respect to—

(i) improving levels of literacy in the State by ensuring that all appropriate State agencies have specific objectives and strategies for such goals in a comprehensive approach;

(ii) improving literacy programs in the State; and

(iii) fulfilling the long-term literacy goals of the State;

(B) the coordination and monitoring of State literacy training programs in order to progress toward the long-term literacy goals of the State;

(C) the improvement of the quality of literacy programs in the State by supporting the integration of services, staff training, and technology-based learning and the integration of resources of literacy programs conducted by various agencies of State government; and

(D) private sector initiatives that would improve adult education programs and literacy programs, especially through public-private partnerships;

(3) review and comment on the plan submitted pursuant to section 356(h) and submit such comments to the Secretary;

(4) measure progress on meeting the goals and objectives established pursuant to paragraph (2)(A);

(5) recommend model systems for implementing and coordinating State literacy programs for replication at the local level;

(6) develop reporting requirements, standards for outcomes, performance measures, and program effectiveness in State programs, that are consistent with those proposed by the Interagency Task Force on Literacy; and

(7)(A) approve the plan for evaluations required in section 352 and participate in the implementation and dissemination of such evaluations, (B) advise the Governor, the State legislature, and the general public of the State of the findings of such evaluations, and (C) include in any report of such evaluations its comments and recommendations.

(20 U.S.C. 1205a) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302; amended July 25, 1991, P.L. 102 0973, sec. 301(d), 105 Stat. 346; amended September 7, 1992, P.L. 102 09367, sec. 601(b)(2), 106 Stat. 1103.

Subpart 4—Planning and Applications

SEC. 341. STATE PLAN AND APPLIC \TION.

(a) Requirement.—Any State desiring to receive funds under this title shall submit to the Secretary, during the fiscal year 1989 and during each fourth fiscal year thereafter, a State plan and application for adult education (in one document) for the four fiscal years succeeding each fiscal year in which the State plan and application are submitted.

Sec. 341

(b) Procedure for Submission and Consideration.—Each State plan and application shall be submitted to the Secretary by July 1 preceding the beginning of the first fiscal year for which the plan is in effect. The Secretary shall approve, within 60 days, each such plan and application which is formulated in accordance with sections 342 and 343 and which meets the requirements of such sections, and shall not finally disapprove a State plan except after giving reasonable notice and an opportunity for a hearing to the State agency.

(c) GEPA Provision.—Such document shall be considered to be the general application required to be submitted by the State for funds received under this Act for the purpose of the provisions of section 435 of the General Education Provisions Act.

(20 U.S.C. 1206) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302.

Sec. 342

SEC. 342. FOUR-YEAR STATE PLAN.

(a) Procedures Required in Formulating State Plan.—(1) In formulating the State plan, the State agency shall meet with and utilize the State advisory council, if established pursuant to section 332 of this title.

(2) The State agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public, including groups serving educationally disadvantaged adults, and interested organizations and groups an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the State agency's response shall be included with the State plan submitted to the Secretary.

(3)(A) Not less than 60 days before submission of the State plan to the Secretary under section 341, the State agency shall simultaneously submit the proposed State plan to (i) the State Board or agency for vocational education, (ii) the State Job Training Coordinating Council under the Job Training Partnership Act, and (iii) the State Board responsible for postsecondary education for review and comment. Such comments (to the extent such comments are received in a timely fashion) and the State's response shall be included with the State plan submitted to the Secretary. The Secretary shall consider such comments in reviewing such plan.

(B) Not less than 60 days before the submission of the State plan to the Secretary, such plan shall be submitted to the State advisory council (if such a council exists). Should the State advisory council find that it has substantial disagreement with the final State plan, the Council may file timely objections with the State agency. The State agency shall respond to all substantial objections of the State advisory council in submitting such plan to the Secretary. The Secretary shall consider such comments in reviewing the State plan.

(b) Required Assessments.—In developing the 4-year State plan, each State shall (1) make a thorough assessment of (A) the needs of adults, including educationally disadvantaged adults, eligible to be served as well as adults proposed to be served and those served and (B) the capability of existing programs and institutions to meet those needs, and (2) state the changes and improvements required in adult education to fulfill the purposes of this title, and the options for implementing these changes and improvements.

(c) Components of State Plan.—Consistent with the assessments described in subsection (b) each such plan shall—

(1) describe and provide for the fulfillment of the literacy needs of individuals in the State;

(2) set forth measurable goals for improving literacy levels, retention in literacy programs, and long-term learning gains of individuals in the State and describe a comprehensive approach for achieving such goals, including the development of indicators of program quality as required by section 331(a)(2);

(3) describe the curriculum, equipment, and instruments that are being used by instruction personnel and indicate how current these elements are;

(4) describe the means by which the delivery of adult education services will be significantly expanded (including efforts to reach typically underserved groups such as educationally disadvantaged adults, individuals with limited English proficiency and individuals with handicaps) through coordination by agencies, institutions, and organizations including the public school system, businesses, labor unions, libraries, institutions of higher education, public health authorities, employment or training programs, antipoverty programs, organizations providing assistance to the homeless, and community and voluntary organizations;

(5) describe the means by which representatives of the public and private sector are involved in the development and implementation of the plan, especially in the expansion of the delivery of adult education services by cooperation and collaboration with those public and private agencies, institutions, and organizations;

(6) describe specialized efforts to attract and assist meaningful participation in adult education programs through flexible course schedules, provision of auxiliary aids and services, convenient locations, adequate transportation, and meeting child care needs;

(7) provide for the needs of persons with limited English proficiency (as defined in section 7004(a) 1A\1\ of title VII of the Elementary and Secondary Education Act of 1965 1A\1\ or no English proficiency by providing adequate appropriate language assistance to the extent necessary to all such persons so they may progress effectively through adult education programs;

\1\ 1A This reference probably should be to "7003(a)".

\1\ 1A So in original. Probably should be followed by a closing parenthesis.

(8) describe how the particular educational needs of adult immigrants, the incarcerated, persons with handicaps, the chronically unemployed, the homeless, the disadvantaged, and minorities will be addressed;

(9) describe the progress the State has made in achieving the goals set forth in each State plan subsequent to the initial State plan;

(10) set forth the criteria the State agency will use in approving applications by eligible recipients and allocating funds made available under this title to such recipients;

(11) describe the methods proposed for the joint planning and coordination of programs carried out under this title with those conducted under applicable Federal and State programs, including the Carl D. Perkins Vocational Education Act of 1963, the Job Training Partnership Act, the Rehabilitation Act of 1973, the Education of the Handicapped Act,\2\ the Immigration Reform and Control Act of 1986, the Higher Education Act of 1965, and the Domestic Volunteer Service Act, to assure maximum use of funds under these Acts and to avoid duplication of services;

\2\ 1A Section 901 of Public Law 101 09476 changed the short title of title VI of Public Law 91 09230 from the "Education of the Handicapped Act" to the "Individuals with Disabilities Education Act". Such section further provided that any reference to the former shall be considered to be a reference to the "Individuals with Disabilities Education Act".

(12) describe the steps taken to utilize volunteers, particularly volunteers assigned to the Literacy Corps established under the Domestic Volunteer Service Act and volunteers trained in programs carried out by section 382 of this title, but only to the extent that such volunteers supplement and do not supplant salaried employees;

(13) describe the measures to be taken to ensure that adult education programs, services, and activities assisted under this title will take into account the findings or program reviews and evaluations carried out pursuant to section 352;

(14) report the amount of administrative funds spent on program improvements; and

(15) contain assurances that financial assistance provided pursuant to this title shall be used to assist and expand existing programs and to develop new programs for adults whose lack of basic skills—

(A) renders them unemployable;

(B) keeps them, whether employed or unemployed, from functioning independently in society; and

(C) severely reduces their ability to have a positive effect on the literacy of their children.

(d) Limited English Proficiency Rule.—Programs conducted under subsection (c)(6) shall be designed to teach English to limited English proficient adults and, as appropriate, to allow such adults to progress effectively through the adult education program or to prepare them to enter the regular program of adult education as quickly as possible. Such programs may provide instruction in the native language, to the extent necessary, or may provide instruction exclusively in English, and shall be carried out in coordination with programs assisted under the Bilingual Education Act and with bilingual vocational education programs under the Carl D. Perkins Vocational Education Act.

(20 U.S.C. 1206a) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302; amended July 25, 1991, P.L. 102 0973, sec. 301(e), 105 Stat. 348.

Sec. 343

SEC. 343. STATE APPLICATIONS.

The State application submitted pursuant to section 341 shall provide assurances—

(1) that the State will provide such methods of administration as are necessary for the proper and efficient administration of this title;

(2) that Federal funds made available under this title will be so used as to supplement the amount of State and local funds available for uses specified in this title, and in no case to supplant such State and local funds;

(3) that the programs, services, and activities funded in accordance with the uses specified in section 322 are designed to expand or improve the quality of adult education programs including programs for educationally disadvantaged adults, to initiate new programs of high quality, or where necessary, to maintain programs;

(4) that the State will provide such fiscal control and fundings accounting procedures as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to eligible recipients under this title); and

(5) that the State has instituted policies and procedures to ensure that copies of the State plan and all statements of general policy, rules, regulations, and procedures will be made available to the public.

(20 U.S.C. 1206b) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302.

Subpart 5—Evaluation and State Plan Amendments

SEC. 351. STATE PLAN AMENDMENTS.

(a) Timely Submission.—When changes are necessary in a State plan, the State shall submit amendments to its plan by July 1 preceding the fiscal year of operation to which the amendments apply.

Sec. 351

(b) Consideration by Secretary.—The Secretary shall approve, within 60 days of submission, State plan amendments which meet the requirements of this section, unless such amendments propose changes that are inconsistent with the requirements and purposes of this title. The Secretary shall not

finally disapprove such amendments except after giving reasonable notice and an opportunity for hearing to the State agency.

(c) Transition Rule.—Upon a written request from a State, the Secretary shall approve an extension of 1 year, from June 30, 1988, to June 30, 1989, for the revision of any plan already approved under this section for the period July 1, 1985, through June 30, 1988.

(20 U.S.C. 1207) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302.

Sec. 352

SEC. 352. EVALUATION.

In order to assist grant recipients receiving funds under this title to plan and operate the best possible programs of adult education, each State agency during the 4-year period of the State plan shall—

(1) annually submit to the Secretary and make public within the State data with respect to grant recipients, including—

(A) the number and percentage of local educational agencies, community-based organizations, volunteer groups, and other organizations that are grant recipients; and

(B) results of the evaluations carried out as required by paragraph (2) in the year preceding the year for which the data is submitted;

(2) evaluate 20 percent of the grant recipients each year so that at the end of such period 80 percent of all grant recipients shall have been evaluated once and such evaluations shall consider, at a minimum—

(A) the projected goals of the grant recipient as described in its application pursuant to section 322(a)(3);

(B) the planning and content of the program;

(C) the curriculum, instructional materials, equipment, and qualifications of all personnel;

(D) the success of the grant recipient in meeting the State's indicators of program quality after such indicators are developed as required by section 331(a)(2); and

(E) other factors determined to affect program operation;

(3) gather and analyze data (including standardized test data) to determine the extent to which the adult programs are achieving the goals set forth in the plan including the goal of serving educationally disadvantaged adults, and the extent to which grant recipients have improved their capacity to achieve the purposes of this title as set forth in section 311.

(20 U.S.C. 1207a) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302; amended July 25, 1991, P.L. 102 0973, sec. 301(f), 105 Stat. 349.

Subpart 6—Demonstration Projects

SEC. 353. SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING.

(a) Use of Funds.—Of the funds allotted to a State under section 313 for a fiscal year, not less than 15 percent shall be used for—

Sec. 353

(1) special projects which will be carried out in furtherance of the purposes of this title, which will be coordinated with other programs funded under this title and which—

(A) involve the use of innovative methods (including methods for educating persons with handicaps, the homeless, and persons of limited English proficiency), systems, materials, or programs which may have national significance or will be of special value in promoting effective programs under this title, or

(B) involve programs of adult education, including education for persons with handicaps, the homeless, and persons of limited English proficiency, which are part of community school programs, carried out in cooperation with other Federal, State, or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies;

(2) training persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of this title; and

(3) training professional teachers, volunteers, and administrators, with particular emphasis on—

(A) training—

(i) full-time professional adult educators;

(ii) minority adult educators;

(iii) educators of adults with limited English proficiency; and

(B) training teachers to recognize and more effectively serve illiterate individuals with learning disabilities and individuals who have a reading ability below the fifth grade level.

(b) Special Rule.—At least \2/3\ of the 15 percent reserved pursuant to subsection (a) shall be used to carry out the provisions of paragraphs (2) and (3) of subsection (a).

(20 U.S.C. 1208) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302; amended July 25, 1991, P.L. 102 0973, sec. 301(g), 105 Stat. 349.

Subpart 7—State Literacy Resource Centers

SEC. 356. STATE LITERACY RESOURCE CENTERS.

(a) Purpose.—It is the purpose of this section to assist State and local public and private nonprofit efforts to eliminate illiteracy through a program of State literacy resource center grants to—

(1) stimulate the coordination of literacy services,

(2) enhance the capacity of State and local organizations to provide literacy services, and

(3) serve as a reciprocal link between the National Institute for Literacy and service providers for the purpose of sharing information, data, research, and expertise and literacy resources.

(b) Establishment.—From amounts appropriated pursuant to subsection (k), the Secretary is authorized to make grants for purposes of establishing a network of State or regional adult literacy resource centers.

(c) Allotment.—(1) From sums available for purposes of making grants under this section for any fiscal year, the Secretary shall allot to each State having an approved application under subsection (h) an amount that bears the same ratio to such sums as the amount allotted to such State under section 313(b) for the purpose of making grants under section 321 bears to the aggregate amount allotted to all States under such section for such purpose.

(2) The chief executive officer of each State that receives its allotment under this section shall contract on a competitive basis with the State educational agency, 1 or more local educational agencies, a State office on literacy, a volunteer organization, a community-based organization, institution of higher education, or other nonprofit entity to operate a State literacy resource center. No applicant participating in a competition pursuant to the preceding sentence shall participate in the review of its own application.

(d) Use of Funds.—Funds provided to each State under subsection (c)(1) to carry out this section shall be used to conduct activities to—

(1) improve and promote the diffusion and adoption of state-of-the-art teaching methods, technologies and program evaluations;

(2) develop innovative approaches to the coordination of literacy services within and among States and with the Federal Government;

(3) assist public and private agencies in coordinating the delivery of literacy services;

(4) encourage government and industry partnerships, including partnerships with small businesses, private nonprofit organizations, and community-based organizations;

(5) encourage innovation and experimentation in literacy activities that will enhance the delivery of literacy services and address emerging problems;

(6) provide technical and policy assistance to State and local governments and service providers to improve literacy policy and programs and access to such programs;

(7) provide training and technical assistance to literacy instructors in reading instruction and in—

(A) selecting and making the most effective use of state-of-the-art methodologies, instructional materials, and technologies such as—

(i) computer assisted instruction;

(ii) video tapes;

(iii) interactive systems; and

(iv) data link systems; or

(B) assessing learning style, screening for learning disabilities, and providing individualized remedial reading instruction; or

(8) encourage and facilitate the training of full-time professional adult educators.

(e) Alternative Uses of Equipment.—Equipment purchases pursuant to this section, when not being used to carry out the provisions of this section, may be used for other instructional purposes if—

(1) the acquisition of the equipment was reasonable and necessary for the purpose of conducting a properly designed project or activity under this section;

(2) the equipment is used after regular program hours or on weekends; and

(3) such other use is—

(A) incidental to the use of the equipment under this section;

(B) does not interfere with the use of the equipment under this section; and

(C) does not add to the cost of using the equipment under this section.

(f) Limitation.—Not more than 10 percent of amounts received under any grant received under this section shall be used to purchase computer hardware or software.

(g) Special Rule.—(1) Each State receiving funds pursuant to this section may not use more than 5 percent of such funds to establish a State advisory council on adult education and literacy (in this section referred to as the "State council") pursuant to section 332.

(2) Each State receiving funds pursuant to this section may use such funds to support an established State council to the extent that such State council meets the requirements of section 332.

(3) Each State receiving funds pursuant to this paragraph to establish or support a State council pursuant to section 332 shall provide matching funds on a dollar-for-dollar basis.

(h) Applications.—Each State or group of States, as appropriate, that desires to receive a grant under this section for a regional adult literacy resource center, a State adult literacy resource center, or both shall submit to the Secretary an application that has been reviewed and commented on by the State council, where appropriate, and that describes how the State or group of States will—

(1) develop a literacy resource center or expand an existing literacy resource center;

(2) provide services and activities with the assistance provided under this section;

(3) assure access to services of the center for the maximum participation of all public and private programs and organizations providing or seeking to provide basic skills instruction, including local educational agencies, agencies responsible for corrections education, service delivery areas under the Job Training Partnership Act, welfare agencies, labor organizations, businesses, volunteer groups, and community-based organizations;

(4) address the measurable goals for improving literacy levels as set forth in the plan submitted pursuant to section 342; and

(5) develop procedures for the coordination of literacy activities for statewide and local literacy efforts conducted by public and private organizations, and for enhancing the systems of service delivery.

(i) Payments; Federal Share.—(1) The Secretary shall pay to each State having an application approved pursuant to subsection (h) the Federal share of the cost of the activities described in the application.

(2) The Federal share—

(A) for each of the first 2 fiscal years in which the State receives funds under this section shall not exceed 80 percent;

(B) for each of the third and fourth fiscal years in which the State receives funds under this section shall not exceed 70 percent; and

(C) for the fifth and each succeeding fiscal year in which the State receives funds under this section shall not exceed 60 percent.

(3) The non-Federal share of payments under this section may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(j) Regional Centers.—(1) A group of States may enter into an interstate agreement to develop and operate a regional adult literacy resource center for purposes of receiving assistance under this section if the States determine that a regional approach is more appropriate for their situation.

(2) Any State that receives assistance under this section as part of a regional center shall only be required to provide under subsection (i) 50 percent of the funds such State would otherwise be required to provide under such subsection.

(3) In any fiscal year in which the amount a State will receive under this section is less than $100,000, the Secretary may designate the State to receive assistance under this section only as part of a regional center.

(4) The provisions of paragraph (3) shall not apply to any State that can demonstrate to the Secretary that the total amount of Federal, State, local and private funds expended to carry out the purposes of this section would equal or exceed $100,000.

(5) In any fiscal year in which paragraph (2) applies, the Secretary may allow certain States that receive assistance as part of a regional center to reserve a portion of such assistance for a State adult literacy resource center pursuant to this section.

(k) Authorization of Appropriations.—There are authorized to be appropriated to carry out the provisions of this section $25,000,000 for each of the fiscal years 1992 and 1993, and such sums as may be necessary for each of the fiscal years 1994 and 1995.

(20 U.S.C. 1208aa) Enacted July 25, 1991, P.L. 102 0973, sec. 103(2), 105 Stat. 339.

Subpart 8—Federal Share; Federal Administrative Responsibilities

SEC. 361. PAYMENTS.

(a) Federal Share.—The Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to that State. The Federal share shall be—

Sec. 361

(1) 90 percent of the cost of carrying out the State's programs for fiscal year 1988;

(2) 85 percent of such cost for fiscal year 1990;

(3) 80 percent of such cost for fiscal year 1991; and

(4) 75 percent of such cost for fiscal year 1992 and for each fiscal year thereafter,

except that with respect to Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau, the Federal share of such cost shall be 100 percent.

(b) Maintenance of Effort.—(1) No payment may be made to any State from its allotment for any fiscal year unless the Secretary finds that the fiscal effort per student or the amount available for expenditure by such State for adult education from non-Federal sources for the second preceding fiscal year was not less than such fiscal effort per student or such amount available for expenditure for such purposes from such sources during the third preceding fiscal year.

(2) The Secretary may waive the requirements of this subsection for 1 fiscal year only, upon making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the applicant to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources.

(c) Federal Responsibility.—Within 1 year after the enactment of the National Literacy Act of 1991, the Secretary, in consultation with appropriate experts, educators, and administrators, shall develop indicators of program quality that may be used by State and local programs receiving assistance under this title as models by which to judge the success of such programs, including success in recruitment and retention of students and improvement in the literacy skills of students. Such indicators shall take into account different conditions under which programs operate and shall be modified as better means of assessing program quality are developed.

(20 U.S.C. 1209) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302; amended July 25, 1991, P.L. 102 0973, secs. 302(h) and 802(b)(2), 105 Stat. 350 and 361.

PART C—WORKPLACE LITERACY AND ENGLISH LITERACY GRANTS

SEC. 371. BUSINESS, INDUSTRY, LABOR, AND EDUCATION PARTNERSHIPS FOR WORKPLACE LITERACY.

(a) Grants for Exemplary Demonstration Partnerships for Workplace Literacy.—(1) Subject to subsection (b), the Secretary, in consultation with the Secretary of Labor and the Administrator of the Small Business Administration, shall make demonstration grants to exemplary education partnerships for workplace literacy to pay the Federal share of the cost of adult education programs which teach literacy skills needed in the workplace through partnerships between—

Sec. 371

(A) business, industry, labor organizations, or private industry councils; and

(B) State educational agencies, local educational agencies, institutions of higher education, or schools (including employment and training agencies or community-based organizations).

(2) Grants under paragraph (1) may be used—

(A) to fund 70 percent of the cost of programs which meet the requirements of paragraph (3); and

(B) for administrative costs incurred by State educational agencies, local educational agencies, and other entities described in paragraph (1) that receive grants under this subsection in establishing programs funded under subparagraph (A).

(3) Programs funded under paragraph (2)(A) shall be designed to improve the productivity of the workforce through improvement of literacy skills needed in the workplace by—

(A) providing adult literacy and other basic skills services and activities;

(B) providing adult secondary education services and activities which may lead to the completion of a high school diploma or its equivalent;

(C) meeting the literacy needs of adults with limited English proficiency;

(D) upgrading or updating basic skills of adult workers in accordance with changes in workplace requirements, technology, products, or processes;

(E) improving the competency of adult workers in speaking, listening, reasoning, and problem solving; or

(F) providing education counseling, transportation, and nonworking hours child care services to adult workers while they participate in a program funded under paragraph (2)(A).

(4) An application to receive funding for a program out of a grant made to a partnership under this subsection shall—

(A) be submitted jointly by—

(i) a business, industry, or labor organization, or private industry council; and

(ii) a State educational agency, local educational agency, institution of higher education, or school (including an area vocational school, an employment and training agency, or community-based organization);

(B) set forth the respective roles of each member of the partnership;

(C) contain such additional information as the Secretary may require, including evidence of the applicant's experience in providing literacy services to working adults;

(D) describe the plan for carrying out the requirements of paragraph (3); and

(E) provide assurances that the applicant will use the funds to supplement and not supplant funds otherwise available for the purpose of this section.

(5) In awarding grants under this section, the Secretary shall give priority to applications from partnerships that include small businesses.

(6) The Secretary is authorized to award grants under this section for a period not to exceed 3 years.

(b) Grants to States.—(1) Whenever in any fiscal year, appropriations under subsection (e) are equal to or exceed $50,000,000, the Secretary shall make grants to States which have State plans ap-

proved by the Secretary under section 342 to pay the Federal share of the cost of adult education programs which teach literacy skills needed in the workplace through partnerships between—

(A) business, industry, or labor organizations, or private industry councils; and

(B) State educational agencies, local educational agencies, institutions of higher education, or schools (including employment and training agencies or community-based organizations).

(2) Grants under paragraph (1) may be used—

(A) to fund 70 percent of the cost of programs which meet the requirements of paragraph (4);

(B) for administrative costs incurred by State educational agencies, local educational agencies, and other entities described in paragraph (1) that receive grants under this subsection in establishing programs funded under subparagraph (A); and

(C) for costs incurred by State educational agencies in obtaining evaluations described in paragraph (3)(A)(iii).

(3) A State shall be eligible to receive its allotment under paragraph (7)(B) if it—

(A) includes in a State plan submitted to the Secretary under section 342 a description of—

(i) the requirements for State approval of funding of a program;

(ii) the procedures under which applications for such funding may be submitted; and

(iii) the method by which the State shall obtain annual third-party evaluation of student achievement in, and overall effectiveness of services provided by, all programs which receive funding out of a grant made to the State under this section; and

(B) satisfies the requirements of section 306(a).

(4) The program requirements set forth in subsection (a)(3) shall apply to the program authorized by this subsection.

(5) An application to receive funding for a program from a grant made to a State under paragraph (1) shall contain the same information required in subparagraphs (A) through (E) of subsection (a)(4).

(6) If a State is not eligible for a grant under paragraph (1) of this subsection, the Secretary shall use the State's allotment under paragraph (7) to make direct grants to applicants in that State who are qualified to teach literacy skills needed in the workplace.

(7)(A) The Federal share of expenditures for programs in a State funded under this subsection shall be paid from a State's allotment under this paragraph.

(B) 1A\1\ From the sum appropriated for each fiscal year under subsection (c) for any fiscal year in which appropriations equal or exceed $50,000,000, the Secretary shall allot to each State (as defined in section 312(7)) an amount proportionate to the amount such State receives under section 313. \1\ 1A An amendment to this subparagraph made by section 802(b)(1) of P.L. 102 0973 (short title is "National Literacy Act of 1991") was unexecutable. Section 202(2)(C) of 102 0973 struck out old (B) and added a new (B).

(C) At the end of each fiscal year, the portion of any State's allotment for that fiscal year which—

(i) exceeds 10 percent of the total allotment for the State under paragraph (2) for the fiscal year; and

(ii) remains unobligated;

shall be reallocated among the other States in the same proportion as each State's allocation for such fiscal year under paragraph (2).

(c) Grant for National Workforce Literacy Strategies.—(1) In any fiscal year in which amounts appropriated pursuant to the authorization contained in subsection (e) equal or exceed $25,000,000, the Secretary shall reserve not more than $5,000,000 to establish a program of grants to facilitate the design and implementation of national strategies to assist unions, unions in collaboration with programs eligible for assistance under this Act and businesses, and small- and medium-sized businesses to effectively provide literacy and basic skills training to workers.

(2) Grants awarded under this subsection shall pay the Federal share of the cost of programs to establish large-scale national strategies in workforce literacy, which may include the following activities:

(A) Basic skills training that is—

(i) cost-effective;

(ii) needed by employees; and

(iii) required by employers to establish a trainable workforce that can take advantage of further job specific training and advance the productivity of the labor force on an individual, industry, or national level.

(B) Specific program offerings, which may include—

(i) English as a second language instruction;

(ii) communications skill building;

(iii) interpersonal skill building;

(iv) reading and writing skill building; and

(v) computation and problem solving.

(C) Appropriate assessments of the literacy and basic skills needs of individual workers and the skill levels required by business.

(D) Cooperative arrangements with other organizations involved in providing literacy and basic skills training, including adult education organizations, vocational education organizations, community and junior colleges, community-based organizations, State level agencies, and private industry councils.

(E) The establishment as appropriate of technology-based learning environments, such as computer-based learning centers.

(3) Any partnership described in subsection (a)(1) that desires to receive a grant under this subsection shall submit a proposal to the Secretary. The proposal shall contain a plan specifying a strategy for designing and implementing workforce literacy and basic skills training for workers, and justifying the national, statewide, or industry-wide importance of this strategy. The proposal shall include—

(A) a demonstration of need for literacy and basic skills training;

(B) a description of the business or industry for which the strategy is to be established;

(C) a statement of specific, measurable goals and participant outcomes;

(D) a strategy for achieving the goals, including a description of the process to identify literacy and basic skills required by employers and the skills of individual workers, and a description of the specific services to be provided; and

(E) a description of the costs of the activities to be undertaken.

(4) The Secretary shall develop a formal process for the submission of proposals and publish an announcement in the Federal Register with respect to that process and the availability of grants under this subsection.

(5) The Federal share of the cost of a program assisted under this subsection shall not exceed 70 percent.

(6) The Secretary shall give priority for grants under this subsection to proposals to carry out activities described in paragraph (2)(D).

(7) In awarding grants under this subsection, the Secretary may consider geographic factors, such as rural and urban areas and national distribution.

(8) Of the grants awarded under this subsection each year, not less than 5 shall each be for an amount that is not less than $500,000.

(d) Evaluation.—The Secretary shall reserve not more than 2 percent of any amount appropriated pursuant to the authorization contained in subsection (e) for the purpose of carrying out an independent evaluation of the effectiveness of programs assisted under this section in improving the literacy and basic skills of workers and the productivity of employees, including potential for the replicability or adaption of such programs.

(e) Authorization of Appropriations.—(1) There are authorized to be appropriated for purposes of carrying out this section such sums as may be necessary for the fiscal year 1991, $60,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.

(2) No funds may be appropriated under paragraph (1) of this subsection for any fiscal year unless the appropriation for this Act (other than this part) for that year is equal to or greater than $110,000,000.

(3) Amounts appropriated under this subsection shall remain available until expended.

(20 U.S.C. 1211) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302; amended July 25, 1991, P.L. 102 0973, sec. 202, 105 Stat. 342.

Sec. 372

SEC. 372. ENGLISH LITERACY GRANTS.

(a) Grants to States.—(1) The Secretary may make grants to States which have State plans approved by the Secretary under section 342 for the establishment, operation, and improvement of English literacy programs for individuals of limited English proficiency. Such grants may provide for support services for program participants, including child care and transportation costs.

(2) A State shall be eligible to receive a grant under paragraph (1) if the State includes in a State plan submitted to the Secretary under section 342 a description of—

(A) the number of individuals of limited English proficiency in the State who need or could benefit from programs assisted under this chapter; 1A\1\

\1\ 1A So in original. Probably should read "this part;".

(B) the activities which would be undertaken under the grant and the manner in which such activities will promote English literacy and enable individuals in the State to participate fully in national life;

(C) how the activities described in subparagraph (B) will serve individuals of limited English proficiency, including the qualifications and training of personnel who will participate in the proposed activities;

(D) the resources necessary to develop and operate the proposed activities and the resources to be provided by the State; and

(E) the specific goals of the proposed activities and how achievement of these goals will be measured.

(3) The Secretary may terminate a grant only if the Secretary determines that—

(A) the State has not made substantial progress in achieving the specific educational goals set out in the application; or

(B) there is no longer a need in the State for the activities funded by the grant.

(b) Set-Aside for Community-Based Organizations.—A State that is awarded a grant under subsection (a) shall use not less than 50 percent of funds awarded under the grant to fund programs operated by community-based organizations with the demonstrated capability to administer English proficiency programs.

(c) Report.—A State that is awarded a grant under subsection (a) shall submit to the Secretary a report describing the activities funded under the grant for each fiscal year covered by the grant.

(d) Demonstration Program.—The Secretary, subject to the availability of funds appropriated pursuant to this section, shall directly, and through grants and contracts with public and private nonprofit agencies, institutions, and organizations, carry out a program—

(1) through the Adult Education Division to develop innovative approaches and methods of literacy education for individuals of limited English proficiency utilizing new instructional methods and technologies; and

(2) to designate the Center for Applied Linguistics of the Office of Educational Research and Improvement as a national clearinghouse on literacy education for individuals of limited English proficiency to collect and disseminate information concerning effective approaches or methods, including coordination with employment training and other education programs.

(e) Evaluation and Audit.—The Secretary shall evaluate the effectiveness of programs conducted under this section. Programs funded under this section shall be audited in accordance with chapter 75 of title 31, United States Code.

(f) Authorization of Appropriations.—(1) There are authorized to be appropriated $25,000,000 for the fiscal year 1988, $26,300,000 for the fiscal year 1989, $27,600,000 for the fiscal year 1990, $29,000,000 for the fiscal year 1991, $30,500,000 for the fiscal year 1992, and $32,000,000 for the fiscal year 1993 to carry out this section.

(2) Funds appropriated pursuant to this section shall remain available until expended.

(3) Funds appropriated under this subsection may be combined with other funds made available for the State by the Federal Government for literacy training for individuals with limited English proficiency.

(4) Not more than 10 percent of funds available under this section may be used to carry out the provisions of subsection (d).

(5) Not more than 5 percent of funds available under this section may be used for State administration, technical assistance, and training.

(20 U.S.C. 1211a) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302.

Sec. 373

SEC. 373. 1A\1\ EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

(a) Program Authorized.—The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of eligible commercial drivers so that such drivers may successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

\1\ 1A This section added by section 7 of P.L. 102 0926 the Act entitled "Higher Education Technical Amendments of 1991". Section 401(a) of P.L. 102 0973 adds a new section 373 to the Adult Education Act. Section 401(b) of 102 0973 provides that the amendment made by subsection (a) shall not take effect if the Higher Education Amendments of 1991 are enacted before the enactment of this Act. This reference to P.L. 102 0926 probably should have been to the Higher Education Technical Amendments of 1991.

(b) Federal Share.—The Federal share of the costs of the adult education programs authorized under subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require States to meet the non-Federal share from State funds.

(c) Eligible Entities.—Entities eligible to receive a grant under this section include—

(1) private employers employing commercial drivers in partnership with agencies, colleges, or universities described in paragraph (2);

(2) local educational agencies, State educational agencies, colleges, universities, or community colleges;

(3) approved apprentice training programs; and

(4) labor organizations, the memberships of which include commercial drivers.

(d) Referral Program.—Grantees shall refer to appropriate adult education programs as authorized under this Act individuals who are identified as having literacy skill problems other than or beyond those which prevent them from successfully completing the knowledge test requirements under the Commercial Motor Vehicle Driver 1A\2\ Safety Act of 1986.

\2\ 1A So in original. The word "Driver" probably should not appear.

(e) Definitions.—For purposes of this section:

(1) The term "approved apprentice training programs" has the meaning given such term in the National Apprenticeship Act of 1937.

(2) The term "eligible commercial driver" means a driver licensed prior to the requirements of the Commercial Motor Vehicle Safety Act of 1986.

(f) Authorization of Appropriations.—There are authorized to be appropriated $3,000,000 for each of fiscal years 1991, 1992, and 1993.

(20 U.S.C. 1211b) Enacted April 9, 1991, P.L. 102 0926, sec. 7, 105 Stat. 127.

PART D—NATIONAL PROGRAMS

SEC. 381. ADULT MIGRANT FARMWORKER AND IMMIGRANT EDUCATION.

(a) General Authority.—The Secretary is authorized to carry out a program of making grants to States and local eligible recipients to support planning, developing, and evaluating programs which are designed to provide adult education programs, services, and activities to meet the special needs of migrant farmworkers and immigrants. Programs operated from such grants shall be included in a State's plan and must conform to all requirements of programs provided for by the State's basic grant. In carrying out this section, the Secretary may enter into interagency agreements with the Secretary of Health and Human Services to conduct programs in conjunction with activities authorized under the Immigration Reform and Control Act of 1986.

Sec. 381

(b) Priority.—In carrying out the provisions of this part, the Secretary shall from funds reserved under section 313(d) give first priority to the portion of the program described in subsection (a) for migrant farmworkers.

(20 U.S.C. 1213) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302.

Sec. 382

SEC. 382. ADULT LITERACY VOLUNTEER TRAINING.

(a) General Authority.—The Secretary is authorized to carry out a program of making grants to States and local eligible recipients to support planning, implementation, and evaluation of programs designed to train adult volunteers, especially the elderly, who wish to participate as tutors in local adult education programs.

(b) Priority.—In carrying out the provisions of this part the Secretary shall from funds reserved under section 313(d) give second priority to the portion of the program described in subsection (a) for adult volunteers.

(20 U.S.C. 1213a) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302.

Sec. 383

SEC. 383. STATE PROGRAM ANALYSIS ASSISTANCE AND POLICY _STUDIES.

(a) Federal Assistance.—(1) The Secretary is authorized to assist States in evaluating the status and progress of adult education in achieving the purposes of this title, and activities designed to provide such assistance shall include, but are not limited to—

(A) an analysis of State plans and of the findings of evaluations conducted pursuant to section 352, with suggestions to State agencies for improvements in planning or program operation; and

(B) the provision of an information network (in conjunction with the National Diffusion Network) on the results of research in adult education, the operation of model or innovative programs (including efforts to continue activities and services, under the program after the Federal funding has been discontinued) successful experiences in the planning, administration, and conduct of adult education programs, advances in curriculum and instructional practices, and other information useful in the improvement of adult education.

(2) Priority.—In carrying out the provisions of this part the Secretary shall from funds reserved under section 313(d) give third priority to the portion of the program described in paragraph (1) for evaluation and research.

(b) Determination of Literacy.—The Secretary, in consultation with the Congress shall, within the first 2 years after enactment of the Adult Education Amendments of 1988, make a determination of the criteria for defining literacy, taking into consideration reports prepared by the National Assessment of Educational Progress and others and shall identify concretely those skills that comprise the basic educational skills needed for literate functioning. The Secretary, once the definition of literacy has been determined, shall, in consultation with the Congress and using the appropriate statistical sampling methodology, determine an accurate estimate of the number of illiterate adults in the Nation.

(c) Report on Status of Literacy and Adult Education.—Subsequent to the determination of literacy and the number of illiterate individuals required in subsection (b), the Secretary shall submit a report every 4 years to the President and to the appropriate committees of the Congress on the status of literacy and adult education in the Nation.

(d) Evaluation Report.—Three years after the date of enactment of the Adult Education Amend-

ments of 1988, and thereafter in conjunction with the report under subsection (c), the Secretary shall report to the appropriate committees of the Congress on the results of program evaluations required under this title and conclusions drawn therefrom regarding progress toward meeting the goals and purposes of this title, together with such recommendations as the Secretary may wish to make.

(20 U.S.C. 1213b) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302.

Sec. 384

SEC. 384. NATIONAL RESEARCH ACTIVITIES.

(a) Approved Activities.—The Secretary shall, through the Office of Educational Research and Improvement, support applied research, development, demonstration, dissemination, evaluation, and related activities which will contribute to the improvement and expansion of adult education in the Nation. Such activities shall include the operation of the Institute established by subsection (c) and the establishment of a national clearinghouse to compile information on literacy curriculum and resources for adults, including youth and adults of limited English proficiency and adults with handicaps. The Secretary may support such activities directly, or through grants to, or cooperative agreements with, public or private institutions, agencies, or organizations, or individuals.

(b) Research Concerning Special Needs.—In addition to the responsibilities of the Assistant Secretary for Educational Research and Improvement under section 405 of the General Education Provisions Act, the Assistant Secretary may, with funds available under that section, with funds available under other Federal programs, or with funds set aside under section 313(d) of this title, support research on the special needs of persons requiring adult education including a study of the magnitude and nature of the needs of adults with learning disabilities who are eligible for participation in adult education programs. The Assistant Secretary may support such research directly or through grants to, or contracts or cooperative agreements with, public or private institutions, agencies, or organizations.

(c) Establishment.—(1) There is established the National Institute for Literacy (in this section referred to as the "Institute"). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the "Interagency Group"). The head of any other agency designated by the President may be involved in the operation of the Institute as fits the involvement of such agency in accomplishing the purposes of the Institute. The Secretary may include in the Institute any research and development center supported under section 405(d)(4)(A)(ii) of the General Education Provisions Act and any other center, institute, or clearinghouse established within the Department of Education whose purpose is determined by the Secretary to be related to the purpose of the Institute.

(2) The Institute shall have offices separate from the offices of any agency or department involved in the operation of the Institute.

(3) The Interagency Group shall consider the Board's recommendations in planning the goals of the Institute and in the implementation of any programs to achieve such goals. The daily operations of the Institute shall be carried out by the Director. If the Board's recommendations are not followed, the Interagency Group shall provide a written explanation to the Board concerning actions the Interagency Group has taken that includes the Interagency Group's reasons for not following the Board's recommendations with respect to such actions. The Board may also request a meeting with the Interagency Group to discuss the Board's recommendations.

(d) Duties.—(1) The Institute is authorized, in order to improve and expand the system for delivery of literacy services, to—

(A) assist appropriate Federal agencies in setting specific objectives and strategies for meeting the goals of this title and in measuring the progress of such agencies in meeting such goals;

(B) conduct basic and applied research and demonstrations on literacy, including—

(i) how adults learn to read and write and acquire other skills;

(ii) how the literacy skills of parents affect the ability of children to learn literacy skills;

(iii) the assessment of literacy skills and the development of instructional techniques;

(iv) the best methods for assisting adults and families to acquire literacy skills, including the use of technology;

(v) the special literacy needs of individuals with learning disabilities and individuals with limited English proficiency;

(vi) how to effectively reach and teach the most educationally disadvantaged individuals;

(vii) the use of technology and other studies which will increase the literacy knowledge base, use but not duplicate the work of other research services, and build on the efforts of such other research services; and

(viii) how to attract, train, and retrain professional and volunteer teachers of literacy;

(C) assist Federal, State, and local agencies in the development, implementation, and evaluation of policy with respect to literacy by—

(i) establishing a national data base with respect to—

(I) literacy and basic skills programs, including programs in Federal departments, State agencies, and local agencies, and programs that are privately supported through nonprofit entities and for profit entities;

(II) assessment tools and outcome measures;

(III) the amount and quality of basic education provided in the workplace by businesses and industries; and

(IV) progress made toward the national literacy goals; and

(ii) providing technical and policy assistance to government entities for the improvement of policy and programs relating to literacy and the development of model systems for implementing and coordinating Federal literacy programs that can be replicated at the State and local level;

(D) provide program assistance, training, and technical assistance for literacy programs throughout the United States in order to improve the effectiveness of such programs and to increase the number of such programs, which assistance and training shall—

(i) be based on the best available research and knowledge; and

(ii) be coordinated with activities conducted by—

(I) regional educational laboratories supported under section 405(d)(4)(A)(i) of the General Education Provisions Act;

(II) curriculum centers assisted under section 251(a)(8) of the Carl D. Perkins Vocational and Applied Technology Education Act; and

(III) other educational and training entities that provide relevant technical assistance;

(E) collect and disseminate information to Federal, State, and local entities with respect to literacy methods that show great promise (including effective methods of assessment, effective literacy programs, and other information obtained through research or practice relating to adult and family learning that would increase the capacity and quality of literacy programs in the United States), using a variety of methods to ensure that the best information is received by State and local providers of literacy services;

(F) review and make recommendations regarding—

(i) ways to achieve uniformity among reporting requirements;

(ii) the development of performance measures; and

(iii) the development of standards for program effectiveness of literacy-related Federal programs; and

(G) provide a toll-free long-distance telephone line for literacy providers and volunteers.

(2) The Institute may enter into contracts or cooperative agreements with, or make grants to, individuals, public or private nonprofit institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

(e) Literacy Leadership.—(1) The Institute is, in consultation with the Board, authorized to award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

(2) Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field

of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

(3) Individuals receiving fellowships pursuant to this subsection shall be known as "Literacy Leader Fellows".

(f) National Institute Board.—(1)(A) There is established the National Institute Board (in this section referred to as the "Board"). The Board shall consist of 10 individuals appointed by the President with the advice and consent of the Senate from individuals who—

(i) are not otherwise officers or employees of the Federal Government;

(ii) are representative of entities or groups described in subparagraph (B); and

(iii) are chosen from recommendations made to the President by individuals who represent such entities or groups.

(B) Entities or groups described in this subparagraph are—

(i) literacy organizations and providers of literacy services, including—

(I) providers of literacy services receiving assistance under this Act; and

(II) nonprofit providers of literacy services;

(ii) businesses that have demonstrated interest in literacy programs;

(iii) literacy students;

(iv) experts in the area of literacy research;

(v) State and local governments; and

(vi) organized labor.

(2) The Board shall—

(A) make recommendations concerning the appointment of the Director and staff of the Institute;

(B) provide independent advice on the operation of the Institute; and

(C) receive reports from the Interagency Group and the Director.

(3) The Interagency Group may carry out the duties of the Board until the expiration of the 180-day period beginning on the date of the enactment of the National Literacy Act of 1991.

(4) Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act.

(5)(A) Each member of the Board shall be appointed for a term of 3 years. Any such member may be appointed for not more than 2 consecutive terms.

(B) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that members' term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

(6) A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation may be passed only by a majority of its members present.

(7) The Chairperson and Vice Chairperson of the Board shall be elected by the members. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

(8) The Board shall meet at the call of the Chairperson or a majority of its members.

(g) Gifts, Bequests, and Devises.—The Institute and the Board may accept (but not solicit), use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Institute or the Board, respectively. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Institute or the Board, respectively.

(h) Mails.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(i) Staff.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

(j) Applicability of Certain Civil Service Laws.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS 0918 of the General Schedule.

(k) Experts and Consultants.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(l) Report.—The Institute shall submit a report to the Congress in each of the first 2 years in which it receives assistance under this section, and shall submit a report biennially thereafter. Each report submitted under this subsection shall include—

(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for such fiscal year;

(2) a description of how plans for the operation of the Institute for the succeeding fiscal year will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

(3) any additional minority, or dissenting views submitted by members of the Board.

(m) Nonduplication.—The Institute shall not duplicate any functions carried out by the Secretary pursuant to subsection (a) or (b). This subsection shall not be construed to prohibit the Secretary from delegating such functions to the Institute.

(n) Authorization of Appropriations.—(1) There are authorized to be appropriated for purposes of operating the Institute established by subsection (c) $15,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

(2) Any amounts appropriated to the Secretary, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

(20 U.S.C. 1213c) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302; amended July 25, 1991, P.L. 102 0973, sec. 102(c), 105 Stat. 334.

Sec. 385

SEC. 385. LIMITATION.

No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of this section, the term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(20 U.S.C. 1213d) Enacted April 28, 1988, P.L. 100 09297, sec. 2102, 102 Stat. 302.

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